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9	San José, California 95113-1905 Telephone Number: (408) 535-1900	Z IT IS SOOR SELECTION OF SELEC	
10	Facsimile Number: (408) 998-3131 E-Mail Address: cao.main@sanjoseca.gov		
11	Attorneys for Defendant, CITY OF SAN JOSE		
12		DISTRICT OF	
13	UNITED STATES DISTRICT COURT 3/21/2011		
14	NORTHERN DISTRICT OF CALIFORNIA		
15	SAN JOSE DIVISION		
16			
17	SAN JOSE ENTERTAINMENT GROUP,	Case Number: CV 11-00207 JW	
18	INC.,	2 nd STIPULATION AND [PROPOSED]	
19	Plaintiff,	ORDER TO CONTINUE HEARING ON DEFENDANT'S MOTION TO DISMISS	
20	V.	AND TO HEAR PLAINTIFF'S SUMMARY JUDGMENT MOTION ON	
21	THE CITY OF SAN JOSE, and DOES 1-25, inclusive,	SAME DAY	
22	Defendants.		
23			
24	In light of the Court's Order, filed on March 9, 2011 (Docket No. 17), denying the		
25	parties' proposed Stipulation to reschedule the hearing date on Defendant's Motion to		
26	Dismiss, Plaintiff's proposed Motion for Summary Judgment to be heard on the same date,		
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May 2, 2011, the parties hereby propose an alternative Stipulation and request that it be adopted by the Court.

- In the Court's Order Denying Preliminary Injunction filed on February 16,
 (Docket No. 15), the Court set Defendant's Motion to Dismiss for hearing on April 11,
 a.m. in Courtroom 8, before the Honorable Judge James Ware.
- 2. Due to a scheduling conflict, counsel for Defendant, Michael J. Dodson, will be unable to appear at the hearing of Defendant's Motion to Dismiss on that date.
- 3. Counsel for Plaintiff, George W. M. Mull, has been informed of Defendant's scheduling conflict and has no objection to continuing the hearing of Defendant's Motion to Dismiss.
- 4. Plaintiff anticipates filing a Summary Judgment Motion and would like said Motion to be heard on the same date and time as Defendant's Motion to Dismiss. Counsel for Defendant has no objection to this request.
- 5. The parties hereby request that the hearing date on these motions be continued to any available date, but no sooner than sixty (60) days from today's date, and be placed on the Court's calendar in San Jose.
- 6. Alternatively, the parties stipulate, and hereby request, that these motions be scheduled on the Court's San Francisco calendar at any time that is convenient for the Court, but no sooner than sixty (60) days from today's date.

Dated: March 16, 2011 Respectfully submitted,

By: /s/ George W. M. Mull GEORGE W. M. MULL Attorney at Law

Attorney for Plaintiff, SAN JOSE ENTERTAINMENT GROUP, INC.

Dated: March 16, 2011 RICHARD DOYLE, City Attorney

By: /s/ Michael J. Dodson MICHAEL J. DODSON Deputy City Attorney

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1	Attorney for Defendant, CITY OF SAN JOSE		
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3	DECLARATION OF CONSENT		
4 5	Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under		
6	penalty of perjury that concurrence in the filing of this document has been obtained from		
7	counsel for Plaintiff, George W. M. Mull.		
8			
9	Dated: March 16, 2011/s/ Michael J. Dodson MICHAEL J. DODSON		
10	Sr. Deputy City Attorney		
11	0 4		
12	[PROPOSEO] ORDER		
13	Pursuant to the 2 nd Stipulation of the parties to continue hearing on Defendant's		
14	Motion to Dismiss and to hear Plaintiff's Summary Judgment Motion on the same day, and		
15	good cause appearing;		
16	IT IS HEREBY ORDERED that the hearing date on Defendant's Motion to Dismiss,		
17	currently scheduled for April 11, 2011 at 9:00 a.m., along with Plaintiff's Motion for		
18	Summary Judgment, be rescheduled to, 2011 at 9:00 a.m., to be heard in San Francisco.		
19	IT IS SO ORDERED.		
20	II IS SO ORDERED.		
21			
22	Dated: March 21, 2011		
23	MONORABI F JAMES WARE		
24	Viited States District Court Chief Judge		
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